

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

PETER ANTHONY TRAYLOR,

#01861068

VS.

DIRECTOR, TDCJ-CID

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CIVIL CASE NO. 4:21-CV-444-SDJ

ORDER OF DISMISSAL

The above-entitled and numbered civil action was referred to United States Magistrate Judge Kimberly C. Priest Johnson, who issued a Report and Recommendation (“the Report”) concluding that the petition for writ of habeas corpus should be denied and dismissed with prejudice. Petitioner filed objections. (Dkt. #30).

In the objections, Petitioner states that he did not consent for the United States Magistrate Judge to hear this case, and therefore the Report “should be considered null and void.” (Dkt. #30, p. 2). “The Federal Magistrate Act of 1979 provides that ‘[u]pon the consent of the parties, a fulltime United States magistrate judge . . . may conduct any or all proceedings in a jury or nonjury civil matter and order the entry of the judgment in the case, when specially designated to exercise such jurisdiction by the district court.’” *Roell v. Withrow*, 538 U.S. 580, 585 (2003) (citing 28 U.S.C. § 636(c)(1)). Consent by the parties is required for the United States Magistrate Judge to exercise full authority over dispositive motions and final disposition of the case. In the Eastern District of Texas, it is standard practice for District Judges to refer matters to United States Magistrate Judges for findings of fact, conclusions of law, and recommendations for the disposition of the case pursuant to 28 U.S.C.

§ 636(b)(1), and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to the United States Magistrate Judge. With this limited referral, the District Judge is free to adopt or reject a magistrate judge's recommendations, and the District Judge retains all authority to issue decisions on dispositive matters and enter final judgment. In sum, Petitioner's consent is not required for the referral of this case to a United States Magistrate Judge. Thus, Petitioner's objection is without merit.

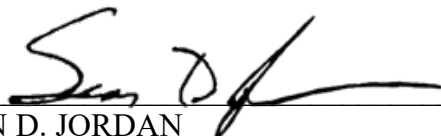
Petitioner also reurges several issues raised in his 28 U.S.C. § 2254 petition and reply. The Court has reviewed the tendered objections, and they generally add nothing new to Petitioner's prior contentions in this case. Despite his arguments, Petitioner fails to show that the Report is in error or that he is entitled to relief.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Having made a *de novo* review of the objections raised by Petitioner to the Report, the Court concludes that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court.

It is accordingly **ORDERED** the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**.

It is further **ORDERED** that all motions not previously ruled on are hereby **DENIED**.

So ORDERED and SIGNED this 16th day of September, 2024.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE